

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SABBY VOLATILITY WARRANT MASTER
FUND LTD.,

Plaintiff,

-v.-

SAFETY SHOT, INC.,

Defendant.

No.: 1:24-cv-00920-NRB

**~~PROPOSED~~ CIVIL CASE
MANAGEMENT PLAN AND
SCHEDULING ORDER**

NAOMI REICE BUCHWALD, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order:

1. Defendant's Answer demands a jury trial. Plaintiff's position is that Defendant waived the right to a jury trial for all claims at issue in the January 19, 2023, PIPE Securities Purchase Agreement that governed the purchase of the Warrants at issue.
2. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure must be completed by June 24, 2024.
3. No additional parties may be joined after June 24, 2024, without leave of the Court.
4. No amendments to the pleadings may be made after June 24, 2024, without leave of the Court.
5. All fact discovery is to be completed no later than October 10, 2024.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶5 above.
 - a. Initial requests for production of documents shall be served by June 28, 2024.
 - b. Interrogatories shall be served by June 28, 2024.
 - c. Party Depositions shall be completed by August 30, 2024.

All depositions shall be completed by September 27, 2024.

- d. Requests to Admit shall be served no later than September 20, 2024.
7. If either party wishes to present expert evidence as part of its affirmative case at trial, it shall provide initial disclosures and an expert report no later than September 13, 2024. In that event, all expert discovery, disclosures, reports, production of underlying documents, and depositions shall be completed by November 15, 2024:
 - a. Rebuttal reports shall be due on October 11, 2024.
 - b. Any expert depositions shall be completed by November 15, 2024.
8. All discovery shall be completed no later than November 15, 2024.
9. Each party may ^{seek leave to} move for summary judgment after documents have been produced, but such motion shall not stay further discovery. ~~Any motion for summary judgment must be filed no later than December 13, 2024.~~ Any pre-motion letter seeking leave to move for summary judgment must be filed by December 13, 2024.
10. ~~The parties shall provide a written status update by November 1, 2024.~~ The parties are directed to provide a status report of their progress every 60 days.
11. ~~The pre-trial conference shall be scheduled for _____.~~
12. All parties do not consent to conducting this case before a magistrate judge.
13. The parties do not currently believe that mediation or court-assisted ADR would be valuable at this time.
14. The parties have conferred and their present best estimate of the length of trial is 2-3 days.

GUSRAE KAPLAN NUSBAUM PLLC

OLSHAN FROME WOLOSKY LLP

By: /s/ Kari Parks

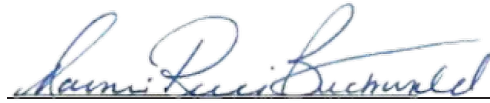
Kari Parks
Iuliia Kassai
Attorneys for Defendant
120 Wall Street; 25th Flr.
New York, NY 10005
(212) 269-1400

By: /s/ Thomas J. Fleming

Thomas J. Fleming
Daniel M. Stone
Attorneys for Plaintiff
1325 Avenue of the Americas
New York, New York 10019
(212) 451-2300

SO ORDERED.

Dated: June 14, 2024
New York, New York



Naomi Reice Buchwald
United States District Judge